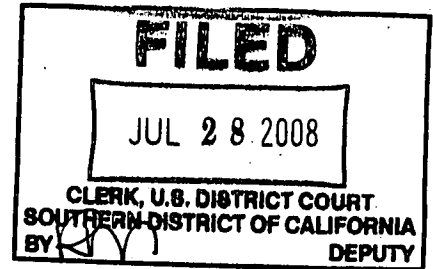


1 ANTHONY ARCEO, J-17830
2 RJ DONOVAN CORR FACILITY
3 PO BOX 799003 F3B11-226
4 SAN DIEGO, CA. 92179



5
6 UNITED STATES DISTRICT COURT
7 SOUTHERN DISTRICT

8 ANTHONY ARCEO,

9 VS

CASE _____

10 JAMES TILTON, SECRETARY,

07CV 02131 W BLM

11 OBJECTIONS TO REPORT AND
12 RECOMMENDATIONS, REQUEST
13 RECONSIDERATION IN LIGHT OF
14 NEW EVIDENCE, POINTS AND
15 AUTHORITIES, DECLARATION OF
16 ANTHONY ARCEO.
17 FRAP, RULE 28, 30, 32-5

18 OBJECTIONS TO REPORT AND RECOMMENDATIONS, REQUEST RECONSIDER-
19 ATION IN LIGHT OF NEW EVIDENCE SUBSEQUENT TO ITS FINDINGS,
20 POINTS AND AUTHORITIES, DECLARATION OF ANTHONY ARCEO.

21 TO THE HONORABLE PAPAS, LEO, PRESIDING JUSTICE AND TO THE HONOR-
22 ABLE ASSOCIATE JUSTICES PAPAS, LEO, PRESIDING JUSTICES BARBRA
23 MAJOR (Mag. J), WHEELAN, THOMAS (DJ).

24 Pursuant to Federal Rules of Appellate Procedure Rule 28, 30,
25 and 32-5. Petitioner Anthony Arceo request this court to reconsid-
26 er the brief filed by petitioner against the warden, Tilton,
27 Secretary. On September 9, 2007 and that the court revoke its
28 findings and recommendations issued on June 8, 2008. This recon-
sideration is made on the ground subsequent to the entry of its

1 order, a different state of facts has been discovered. The
2 Department of Corrections issued a mandate to all Wardens on
3 August 1, 2005 and May 17, 2006 (a total of three pages) instruct-
4 ing them to adhere to the decision of in re Dikes(2004) 121 Cal App
5 4th 825. This action warrants the granting of relief requested in
6 full and secondly petitioner points to filings in federal courts
7 proving diligence. Lastly the prejudice is more fully set forth
8 below.

9
10 I.

11
12 A. VIOLATION OF AEDPA (1) ONE YEAR ENACTMENT, UNTIMELY AND
13 B A R R E D F R O M F E D E R A L R E V I E W .

14 (I) Petitioner can show diligence since his arrest in 1993 thru
15 2007 to familiarize himself with criminal law. I raised forty-
16 six issues all the way to the United States Supreme Court timely
17 in action 05-8112. And applied for a second successive petition
18 on November 1, 2007 that was denied in action CA 07-74339, see
19 attached USSC exhibit M. The denials were a product of not
20 knowing the law and slick lawyering. For one who is actually
21 innocent this petitioner brought the witnesses from the alledged
22 kidnap crime scene.

23 (II) Petitioner filed a medical (prothesis), and property claim
24 against the Department of Correction and Rehabilitation in action
25 Anthony Arceo Vs Cal Terhune, et al, S00-0057 GBH GGH P that was
26 litigated from 1997 through 2005. This claim was settled by "CDC".

27 (III) Petitioner request that there is very limited citations in
28 in Shepards for (a) California Code of Regulation § 3016 see

1 exhibit N. (b) Penal Code § 2932 see exhibit O. (N is nonexistent)
2 (IV) Petitioner request the court to take judicial notice of
3 stated reasons to appeals coordinator at Lancaster State Prison
4 see exhibit GI, 11/10/05. and exhibit HI, 1/24/06.

5 (V) Petitioner request the court to review petitioners reason for
6 filing in that jurisdiction. see exhibit A1, A2, in superior court
7 April 3, 2007.

8 (VI) Petitioner contends the California department of Corrections
9 knows its taking excess amount of credit loss not enumerated in
10 Penal Code § 2932. see exhibit LII. Prior to the Dikes petitioner
11 had no reason to believe California Department of Corrections
12 would take excess amount of time credits.

13 (VII) Petitioner did not have foreknowledge of Dikes too add this
14 claim or any future "CCR Infraction" in his original habeas Corpus.
15 If Petitioner can show that pursuing available administration
16 remedies would be futile, the purpose behind the requirement of
17 exhaustion are no longer served, and thus a court will release the
18 petitioner from the requirement. BEHARRY V ASHCROFT 329 F3d 51.

19 (VIII) Petitioner contents cause remains and will continue to
20 exist as long as the violation continues. A defendant who admits
21 unconditionally all elements to the formal charge, and in absence
22 of court approved reservations of issue for appeal waives all
23 challenges to prosecution except those going to the courts
24 jurisdiction. US V LASAGA 328 F3d 61.

25
26 II.

27 B RESPONDENT ARGUES DENIAL, PETITION AS UNTIMELY AND
28 UNEXHAUSTED AT THE ADMINISTRATIONS LEVEL

1 (1) Petitioner contends that the California Department of
2 Corrections refusal to file appeal in 2005. BEHARRY V ASHCROFT
3 329 F3d 51.

4 (2) Petitioner contends the California Department of Corrections
5 knows its breaking the law as written in Penal Code § 2932, see
6 particular exhibits L, LI, LII.

7 (3) Petitioner contends inmate manufactured alcohol is only a
8 thirty day credit loss violation pursuant to Penal Code § 2932.
9 see exhibit LII. "CDC" should not be rewarded with these gross
10 excess credit taking.

11 (4) Petitioner contends that the Department of Corrections requires
12 petitioner and the court to adhere to the law except itself.

13 (5) Petitioner request this court to take judicial notice that
14 petitioner would of been timely first had he known "CDC" took
15 excess amount of time. And secondly he was fighting for his life
16 literally, by gangs, officers, and conviction. It should be noted
17 also that as petitioner was filing in the California Supreme Court
18 RJ Donovan had no legal library on his new yard. The main law
19 library worked by request every saturday, requested material would
20 hopfully be brought the next following Saturday. This of course
21 works if you know what to request and list correct listings by your
22 memory. The most important issue is you would have to wait by the
23 door as no announcement was made prior to each visit to the block.

24 (6) Petitioner contends that any default of administrative remedies
25 is error by cause, each Warden knows that they are taking excess
26 amount of time not required by California State law Penal Code §
27 2932. Admission by agents AGHA V RATIONAL SOFTWARE CORP. 252 F SUP
28 2d 1074. see also mental state MCEUIN V CROWN EQUIPMENT CORP. 328

1 F3d 1028; cf PARKER V REDA 327 F3d 211; Secondly he could not of
2 had foreknowledge to add claim and future claims to habeas corpus
3 already before the court in action (Third District Court of Appeals
4 on direct C018338 on habeas C023423). All those serving more than
5 thirty days is against the law and extremely prejudicial. REED V
6 ROSS 408 US 1, at page 12. see exhibit P. Petitioner is serving
7 three hundred percent more than all those not receiving half time.
8 KOERNER V GRIGAS 328 F3d1039; WAINWRIGHT V SYKES 433 US at 84.
9 All these credits are not allowed to be returned.

10
11 III.
12

13 Petitioner appologizes for not seeing each cause correctly nor
14 succinctly. Its rare when one states the facts just as they are.
15 In my jury trial 15 years ago the attorneys just got convictions
16 regardless of how it was reached. Its the same in my appeal every-
17 one seemed to side step my issues (fighting before my jury, attack-
18 ed). I'm no attorney But I can see the California Department of
19 Corrections violate this law almost daily, see (Q), While
20 hiding behind another law. ATENCIO V IPSON 62 FED APPX856. All my
21 citations are probably slightly off for one reason or another or
22 another. However they can be viewed as persuasive authority.
23 NORTH AMERICAN CONST. CORP. V US 56 FED LL 73. The prejudice is
24 clear I'm doing more time than by "CDC" is taking more time than
25 allowable. ROSE V CLARK (1986) 478 US 570, 577. This time is
26 barred for restoration of credits by California Code of Regulation
27 CCR § 3327(a)(1) as applied by Directors Rule of the same section
28 Title 15 § 3327(a)(1).

1 ANTHONY ARCEO J-17830
2 RJ DONOVAN CORR FACILITY
3 PO BOX 7990033 F3B11-226
4 SAN DIEGO, CA. 92179
5

6 UNITED STATES DISTRICT COURT
7 SOUTHERN DISTRICT.

8 ANTHONY ARCEO,
9 petitioner,
10 VS
11 JAMES TILTON, SECRETARY,
12 respondent,
13
14

CASE _____

07 CV 02131 W BLM

11 DECLARATION IN SUPPORT OF
12 OBJECTIONS TO REPORT AND
13 RECOMMENDATIONS in LIGHT OF
14 NEW EVIDENCE. FRAP RULE 28, 30,
and 32-5

15 DECLARATION OF ANTHONY ARCEO IN SUPPORT OF
16 OBJECTIONS TO REPORT AND RECOMMENDATIONS
17

18 I, Anthony Arceo, declares;

- 19 1. I'm petitioner in the above entitled case and action.
20 2. On June 5, 2008 the Southern District Magistrate Judge Barbra
21 Major entered her findings and recommendations.
22 3. Since the entry of the above order, a new and different state
23 of facts has been discovered. These new facts are:

24 The Department of Corrections memorandum dated August 1, 2005,
25 (1) one page. A memorandum dated May 17, 2006 (1) one page,
26 and another page titled "Briefing Topics" / in re Dikes" all
27 are based on recommendations made by the office of legal
28 affairs (OLA) for a total of 3-pages.

1 4. Petitioner had no idea these documents existed. Petitioner
2 would never withhold admissions as important as these from the
3 court. These admissions however amount to acknowledgement and
4 state of mind. Also too their refusal to act in the instant case.

5 5. Petitioner request Judicial Notice to the documents previously
6 attached to September 9, 2007. see exhibit A - Q. within originally
7 filed habeas corpus. And;

8 a) Director of Corrections memo to all wardens, previously
9 acknowledged appeal LAC x 05 03398, see exhibit I- 1. Route
10 slip October 20, 2005.

11 b) Petitioners explanation to appeals coordinator November
12 10, 2005; reasons for timely. see exhibit H-1.

13 c) Petitioner again explained to appeals coordinator that
14 there is always a judicial remedy for a injury or tort. A
15 court of equity should always exist. Dated January 24, 2006
16 see exhibit G-1. numbered 5 and 6.

17 d) Petitioners explanation to court clerks that there is
18 no law library on my yard and the exact date I handed my
19 yard librarians deadline for copies for my Petition for
20 Review. see exhibit A1, A2, numbered 5- c and d.

21 e) The Director of Corrections memo to all Wardens, see
22 LII, begining at second paragraph forth dot "Based on
23 Recommendations made by the office of legal affairs (OLA)-
24 Fermentation or Distillation for production of alcohol
25 3323(e)(11), a division "C" offense is being revised to a
26 division "F" offense. see exhibit LII.

27 6. Petitioner is barred by the California Code of Regulations
28 § 3327 (a)(1) from credit restoration for a "C" offense. see

1 exhibit P.

2 7. Petitioner contends there is no rational basis for CDC not to
3 follow the law Penal Code § 2932. The Department of Corrections
4 comes before this court with unclean hands. This appeal was filed
5 and logged. see exhibit I1. The Appeal Coordinator was aware of
6 the changes as stated in the memorandum August 1, 2005. see exhibit
7 L. See petitioners response to appeals coordinator November 10,
8 2005, see exhibit H1. This appeal was logged then stripped of
9 number.

10 8. Petitioner has attached all documents to original habeas corpus
11 filed on September 14, 2007, before this court and reincorporates
12 particular portion for this brief.

13 9. Petitioner attached the Department of Correction Memorandum to
14 all Wardens for first time L, LI, LII.

15
16 CONCLUSION

17 For all the reasons stated within this brief the court should
18 consider the new admissions as stated in theses Wardens memorandums
19 and view the California Department of Corrections stated reasons
20 to not filed and lies as to breaking the law for alcohol infrac-
21 tions is 120 days and not 30 days. Please reverse or give any
22 alternative judgement the court seea as correct.

23 I declare under the penalty of perjury, under the laws of this
24 State of California that the foregoing is true and correct.

25 Dated *July 22, 2008* 2008

Anthony Arceo

ANTHONY ARCEO J-17830
a pro se litigant

VERIFICATIONSTATE OF CALIFORNIA
COUNTY OF SAN DIEGO

(C.C.P. SEC. 446 & 2015.5; 28 U.S.C. SEC. 1746)

I, ANTHONY ARCEO DECLARE UNDER THE PENALTY OF PERJURY
 THAT: I AM THE Declarant/Prisoner IN THE ABOVE ENTITLED ACTION;
 I HAVE READ THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF AND THE SAME IS
 TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO MATTERS STATED THEREIN UPON INFORMATION, AND
 BELIEF, AND AS TO THOSE MATTERS, I BELIEVE THEM TO BE TRUE.

EXECUTED THIS July 22 19 JULY DAY OF JULY, AT R.J.D.
 STATE PRISON, 480 Alta Road, San Diego, CA 92179

(SIGNATURE)

Anthony Arceo
(DECLARANT/PRISONER)PROOF OF SERVICE BY MAIL

(C.C.P. SEC. 1013 (a) & 2015.5; 28 U.S.C. SEC. 1746)

I, ANTHONY ARCEO, AM A RESIDENT OF R.J.D. STATE PRISON, IN THE COUNTY
 OF S.D. STATE OF CALIFORNIA; I AM OVER THE AGE OF EIGHTEEN (18) YEARS OF AGE AND AM I AM
 NOT A PARTY OF THE ABOVE-ENTITLED ACTION. MY STATE PRISON ADDRESS IS:
RJ DONOVAN CORR. FACILITY, PO BOX 799003, SAN DIEGO, CA. 92179

ON July 22 JULY 19, I SERVED THE FOREGOING:

OBJECTIONS TO REPORT AND RECOMMENDATIONS / AND NEW EVIDENCE

(SET FORTH EXACT TITLE OF DOCUMENT(S) SERVED)

ON THE PARTY(S) HEREIN BY PLACING A TRUE COPY(S) THEREOF, ENCLOSED IN A SEALED ENVELOPE
 (S), WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO
 PROVIDED AT Richad J. Donovan Correctional Facility

USDC SOUTHERN
 880 front street STE 4290
 SAN DIEGO, CA. 92101

ATTORNEY GENERAL OFFICE
 PO BOX 944255
 SACRAMENTO, CA. 94244

THERE IS DELIVERY SERVICE BY UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND THERE IS
 REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO
 ADDRESSED. I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE: July 22, 2008Anthony Arceo
(DECLARANT/PRISONER)

ATTACHMENT

APRIL 3, 2007.

AI

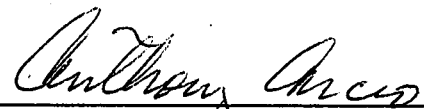
to: DEAR COURT CLERK
fr: ANTHONY ARCEO, J-17830
re: FILING PETITION FOR REVIEW,

Declaration of Anthony Arceo,

- 1) Declarant Anthony Arceo is a prisoner at RJ Donovan, prison III-Yard.
- 2) Declarant does not have a functioning law library he can go to and study daily.
- 3) Declarant is a sensitive needs inmate.
- 4) Declarant is on a sensitive needs yard (III-Yard), housing protective custody inmates, and per the state of california's governer all Lancaster "SNY" inmates were transfered to RJ Donovan from November 2006 through February 2007.
- 5) Declarant states that RJ Donovan's central library is for the General Population "GP" inmates.
 - a) "SNY" inmates turn in request one week and get copies of books back the following week.
 - b) "SNY" court deadlines are dealt by handing court deadline order and then its returned the following week.
 - c) "SNY" III-Yard law library is non-existent. Most all legal books are in boxes. The library consists mainly of "order book forms" you fill out and turn in once a week and receive it at the next weeks yard. This is providing that yard is available.
 - d) Declarant received his court order sometime in the second week of March, and on the 21 of March he handed the librarian the appellate courts deadline. On the 27 of March he handed a Petition for Review to make two copies for the court and one copy for the attorney general.

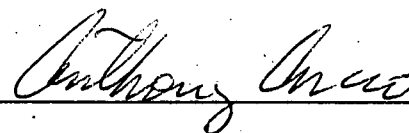
A2

I declare that I am a resident of San Diego, Ca. I am over the age of 18 years and a party to the within entitled cause. My address is RJ Donovan Corr. Facility, Po Box 799003, San Diego California, 92179.



Anthony Arceo J-17830

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true, and correct. Executed on April 4, 2007, at San Diego, Ca.



Anthony Arceo J-17830

in propria persona

January 24, 2006

to: Appeals Coordinator

re: Screening compliance, Inmate Arceo
believes denial would be error

fr: Anthony Arceo, j-17830, FCB1-236

GI

Mr. Appeals Coordinator, I believe a decision of denial due to
to great of time lapse between the action or decision occurred and when
I filed my appeal would be error for the following reasons,

The law is clear,

1. The department of corrections is mandated by the Penal Code and the constitution.
2. A defendant cannot be held liable for not raising a issue or law when (1) he is unaware of it. (2) believes the department of corrections is abiding by that very law.
3. Only in criminal cases are laws retroactively applied.
4. The department of corrections and the courts are mandated to apply the law as it exist.
5. At any time should error or tort arise after a decision was reached in error, as a matter of law due process allows a appeal to settle the matter. (exhaustion for instance)
6. Due process allows courts to hear suits, mandamus/prohibition, or appeals of a aggrieved party. Not even in war has barred this inherent right.

I ask you Mr. Sampson to please correct my credit forfeiture that
justice and law requires.

Thank you for your time in this matter.

Dated

January 24, 2006

Anthony Arceo

Anthony Arceo J-17830

2006 FEB - 7 AM 10:36
CCI - TERACHAPI
APPEALS OFFICE

November 10, 2005

to: Appeals Coordinator

re: Explanation and Supporting documents
as to timeliness of appeal for good
time credits.

fr: Anthony Arceo, J-17830, FCB1-236

Mr. Appeals Coordinator I'm responding promptly to your concern of tardiness. I became aware of new law in re DIKES, 18 Cal. Rptr. 3d 9, (Cal. App. 1 Dist. 2004) that was provided in the law library. This is a new 2004 series.

This california court ruled Penal Code §§ 2932 enables credit loss for general acts of misconduct of not more than thirty (30) days. However, those enumerated violations within Penal Code § 2932 that can be prosecuted also enable credit forfeiture for ninety or one hundred and eighty days.

Mr. Appeals Coordinator, my wine violations are of the general kind. I also had no idea that "120" days forfeiture was excess.

Finally, I implore you to consider my appeal for credit restoration and any credit adjustments.

DATED:

11/10/05

Sincerely,

Anthony Arceo

ANTHONY ARCEO J-17830

CCJ - TEHACHA
APPEALS OFFICE
2006 FEB - 7 AM 10:36

NOV 15 2005

INMATE APPEAL ROUTE SLIP

To: CCI

Date: October 20, 2005

From: INMATE APPEALS OFFICE

Re: Appeal Log Number LAC-X-05-03398 By Inmate ARCEO, J17830

Please assign this appeal to appropriate staff for SECOND level response.

Appeal Issue: DISCIPLINARY

Due Date: 11/29/2005

Special Needs: DNM - PERM MOBILITY IMPAIRED

STAFF INSTRUCTIONS:

Second level appeals require a personal interview if not afforded at the first level. Begin your response with: GRANTED, DENIED, PARTIALLY GRANTED or WITHDRAWN. When complete, return to Appeals Office. Appeals that are incomplete will be returned to the responding staff for appropriate completion. Refer to D.O.M. 54100 for instructions.

C. A. COLLINS
INMATE APPEALS OFFICE
CSP - Los Angeles County

CCI - TEHACHAPI
APPEALS OFFICE
05 OCT 25 PM 2:36

CCI - TEHACHAPI
APPEALS OFFICE
2006 FEB -7 AM 10:36

**INMATE/PAROLEE
APPEAL FORM**
(2/87)

Location: Institution/Parole Region

Log No.

Category

1. INMATE
2. CCI.05

1. 05-03398 #1/DIV.C
2. _____

You may appeal any policy, action or decision which has a significant adverse effect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME ANTHONY ARCEO	NUMBER J-17830	ASSIGNMENT G.E.D.	UNIT/ROOM NUMBER FCB 1-236
------------------------------	--------------------------	-----------------------------	--------------------------------------

A. Describe Problem: THE UNITED STATES SUPREME COURT STATED IN SUPERINTENDANT V HILL (1985) 472 US 445, 447, 105 SCT 2768, 86 LED2D 356, ALL EVIDENCE IS SUBJECT TO THE SOME EVIDENCE RULE, HOWEVER ON REVIEW THIS EVIDENCE IS NOT SUBJECT TO THE EXAMINATION OF THE ENTIRE RECORD, INDEPENDANT ASSESSMENT OF THE CREDIBILITY OF WITNESSES OR WEIGHING OF SAID EVIDENCE. (1) THE DEPARTMENT OF CORRECTIONS WITNESSES ARE TRAINED AS EXPERTS, a) THEY HANDLE AND CONTROL ALL EVIDENCE THEY ALSO HANDLE AND CONTROL ALL ADJUDICATIONS BROUGHT BY THESE SAME EXPERTS. THE FINDINGS BASED UPON THE DEPARTMENT OF CORRECTIONS "AGENCIES" GOOD NAME.

If you need more space, attach one additional sheet.

B. Action Requested: THE DISCIPLINE "CREDIT LOSS" IMPOSED FOR A VIOLATION OF DIRECTOR'S RULE § 3016 POSSESSION OF INMATE MANUFACTURED ALCOHOL HAS NOR WAS INTENDED FOR PROSECUTION UNDER PENAL CODE §§ 347(b) OR ELSEWHERE. THEREFORE THE AGENCY CAN NOT IMPOSE A CREDIT FORFEITURE OF MORE THAN THIRTY (30) DAYS PER PENAL CODE

Inmate/Parolee Signature: Anthony ArceoDate Submitted: 9/27/05

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____

D. FORMAL LEVEL

If you are dissatisfied, submit to the Institution

Signature: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

Date Submitted: _____

CDC Appeal Number: _____

SEP 29 2005 OCT 13 2005 JAN 26 2006

(1 OF 2)

5/0 10/3/05

05 OCT 25 PM 2:36
CCL-TEHACHAP
CCL-TEHACHAP

pleted CDC 115, Investigator's Report, Classification chronology (CDC 128, etc.) and filing within 15 days of receipt of response.

2006 FEB -7 AM 10:38
CCL-TEHACHAP
CCL-TEHACHAP

First Level ☐ Granted ☐ P. Granted ☐ Denied ☐ Other _____

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: _____ Due Date: _____

Interviewed by: _____

Staff Signature: _____ Title: _____ Date Completed: _____

Division Head Approved: _____ Returned _____

Signature: _____ Title: _____ Date to Inmate: _____

F. If dissatisfied, explain reasons for requesting a Second-Level Review and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

BYPASS

Signature: _____ Date Submitted: _____

Second Level ☐ Granted ☐ P. Granted ☐ Denied ☐ Other _____

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: 10-13-05 Due Date: 11-29-05

☐ See Attached Letter

Signature: _____ Date Completed: _____

Warden/Superintendent Signature: _____ Date Returned to Inmate: _____

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

Dear inmate appeals officer, I'm hoping that you can rectify this problem. My appeal has been exhausted at the second level. The second level reviewer denied my appeal due to "too great of time lapse between the incident and appeal".

see attached part H

Signature: Anthony Ores Date Submitted: 3/6/06

For the Director's Review, submit all documents to: Director of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION: ☐ Granted ☐ P. Granted ☐ Denied ☐ Other _____

Attached Letter

State of California

RECEIVED
WARDEN'S OFFICE
Department of Corrections and Rehabilitation
PVSP

Memorandum

Date : August 1, 2005

To : Associate Directors-Division of Adult Institutions
WardensSubject: APPROPRIATE CLASSIFICATION OF CDC FORM 115 RELATIVE TO A
POSITIVE URINALYSIS TEST FOR MARIJUANA

Please be advised, effective immediately, a CDC Form 115 charging an inmate for "Possession of a Controlled Substance" based solely on a positive urinalysis test result for marijuana pursuant to California Code of Regulations (CCR), Section 3290(f) is to be classified as a Division "F" offense with a maximum credit forfeiture of 30 days. This change in policy is based on direction provided from the Legal Affairs Division in light of the recent court decision *In re Dikes* (2004) 121 Cal. App.4th 825 (*Dikes*) and existing law, specifically California Penal Code, Section 2932.

In addition, inmates who have previously been found guilty of "Possession of a Controlled Substance" based solely on a positive urinalysis test for marijuana will be allowed to request return of forfeited credits and re-instatement of specific privileges. Upon request by the inmate, institutional staff will ensure the requests are forwarded to the institution Chief Disciplinary Officer (CDO) for review of eligibility and modification of any disposition resulting in a forfeiture of credits in excess of 30 days, if deemed to meet the criteria, as the result of a guilty finding for a charge of "Possession of a Controlled Substance" as indicated above.

It will be the responsibility of the CDO to modify the disposition from a Division "B" offense, classified under CCR 3323(d) (6), to a Division "F" offense, classified under CCR 3323(h) (3), with a maximum credit forfeiture of 30 days and forward the revised disposition to Case Records for re-calculation. Additionally, privilege sanctions resulting in the inmate being placed on mandatory random drug testing and loss of visits would need to be updated.

However, if additional information is included in the original charge that would indicate the inmate was in possession of a controlled substance prior to being ordered to test, and supported by the subsequent positive urinalysis test, i.e. the inmate was observed smoking and there was an odor of marijuana in the air, or the inmate was seen attempting to dispose of a suspected substance, where these

LI

State of California

Department of Corrections and Rehabilitation

Memorandum

Date: May 17, 2006

To: Wardens

Subject: APPROPRIATE CLASSIFICATION OF CDC FORM 115 RELATIVE TO A POSITIVE URINALYSIS TEST FOR AMPHETAMINE/METHAMPHETAMINE, BARBITURATES, COCAINE, CODEINE, MORPHINE, AND PCP

Please be advised, effective immediately, a CDC Form 115 Rules Violation Report charging an inmate for "Use/Possession of a Controlled Substance" based *solely on a positive urinalysis test result* for *amphetamine/methamphetamine, cocaine, codeine, morphine, or PCP*, pursuant to California Code of Regulations (CCR), section 3290(f) is to be classified as a Division "E" offense with a maximum credit forfeiture of 60 days.

A CDC Form 115 Rules Violation Report charging an inmate for "Use/Possession of a Controlled Substance" based *solely on a positive urinalysis test result* for *barbiturates*, pursuant to CCR, section 3290(f) is to be classified as a Division "F" offense with a maximum credit forfeiture of 30 days. This change in policy is based on direction provided from the Office of Legal Affairs in light of the court decision *In re Dikes* (2004) 121 Cal. App.4th 825 (*Dikes*) and existing law, specifically California Penal Code, section 2932.

In addition, inmates who have previously been found guilty of "Use/Possession of a Controlled Substance" based *solely on a positive urinalysis test* for *amphetamine/methamphetamine, barbiturates, cocaine, codeine, morphine, or PCP* will be eligible to request return of forfeited credits and reinstatement of specific privileges. Upon request by the inmate, institutional staff will ensure the requests are forwarded to the institution Chief Disciplinary Officer (CDO) for review of eligibility and modification of any disposition resulting in a forfeiture of credits in excess of the allowable credit forfeiture, if deemed to meet the criteria, as the result of a guilty finding for a charge of "Use/Possession of a Controlled Substance" as indicated above.

In the case of *amphetamine/methamphetamine, cocaine, codeine, morphine, or PCP*, it will be the responsibility of the CDO to modify the disposition from a Division "B" offense, classified under CCR 3323(d)(6), to a Division "E" offense, classified under CCR 3323(g)(8), with a maximum credit forfeiture of 60 days. In the case of *barbiturates*, it will be the responsibility of the CDO to modify the disposition from a Division "B" offense, classified under CCR 3323(d)(6), to a Division "F" offense, classified under CCR 3323(h)(3), with a maximum credit forfeiture of 30 days. It will be the responsibility of the CDO to forward the revised disposition to Case Records for recalculation. However, if additional information is included in the original charge that would indicate the inmate was in possession of a controlled substance prior to being ordered to test, and supported by the subsequent positive urinalysis test, i.e. the inmate was observed

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Briefing Topics

Impact of the In Re Dikes decision

1. The use of marijuana is not a felony or misdemeanor offense in California, and pursuant to Penal Code section 2932, we can not assess a forfeiture of credits in excess of 30 days for a guilty finding for this charge.
2. PC 2932 dictates the amount of credit forfeiture that can be imposed for specified offenses based on whether the offense can be prosecuted as a felony, misdemeanor or whether it is a non criminal offense.

A memorandum dated August 1, 2005 provided direction to the field to classify 115s for positive urinalysis for marijuana as a Division "F" level offense, specifically "Use of Marijuana", and to return any forfeited credits above 30 days to inmates who were charged with "Possession of a Controlled Substance" based solely on a positive UA for marijuana, which was classified as a Division "B" offense.

Based on recommendations made by the Office of Legal Affairs (OLA), additional regulatory changes were made to ensure compliance with PC 2932 for the following offenses:

- Misuse, alteration, unauthorized acquisition or exchange of personal property, state funds or state property valued in excess of \$400.00, 3323(d)(5), currently a Division "B" offense being revised to a Division "F" offense.
- Unauthorized possession of controlled medication, 3323(d)(6), a Division "B" offense being revised to "Possession of Contraband Medication, a Division "F" offense. NOTE: Medications containing any controlled substances as defined in section 3000 will still be charged as "Possession of a Controlled Substance", 3323(d)(6), a Division "B" offense.
- Unauthorized possession of materials or substances altered from their original manufactured state or purpose and which can be made into a weapon, explosive or explosive making material, poison, caustic substance, or any destructive device. Examples include but are not limited to metal, paper, plastic, wood, and wire, 3323(e)(3), a Division "C" offense being revised to a Division "F" offense.
- The fermentation or distillation of materials in a manner consistent with the production of alcohol, 3323(e)(11), a Division "C" offense being revised to a Division F offense.
- Refusing to provide a urine specimen for the purpose of testing for the presence of controlled substances, 3323(f)(1), a Division "D" offense being revised to a Division F offense.
- Possession of any container, device, contrivance, instrument, or paraphernalia intended for unlawful injection or consumption of narcotics, drugs, or alcoholic beverages, 3323(f)(2), a Division "D" offense to "Possession of Drug Paraphernalia as defined in section 3000", 3323(e)(9), revised and elevated to a Division "C" offense.
- Misuse, alteration, unauthorized acquisition, or exchange of personal property, state funds or state property valued at more than \$50.00 and less than \$400.00, 3323(g)(1), a Division "E" offense being revised to a Division F offense.
- Manufacture of alcoholic beverages in a community facility, 3323(g)(2), a Division "E" offense being revised to a Division F offense.
- Work related offenses, 3323(g)(7)(A, B, & C), Division "E" offenses being revised to a Division F offense.

OLA also determined that we needed to add the charge of assault to the existing battery charges under CCR 3323 in order to come into line with Penal Code language.

OLA identified specific offenses which could be charged as solicitation.

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

William K. Suter
Clerk of the Court
(202) 479-3011

February 21, 2006

Mr. Anthony A. Arceo
Prisoner ID #J-17830
CSP/LAC/C1-236
P.O. Box 8457
Lancaster, CA 93536

Re: Anthony A. Arceo
v. Tom L. Carey, Warden, et al.
No. 05-8112

Dear Mr. Arceo:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

William K. Suter

William K. Suter, Clerk

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TITLE 8

CALIFORNIA CODE OF REGULATIONS, As Amended to date

<p>§ 1658 Subd. e 32CC12 Subd. f 32CC12 § 1660 Subd. d 32CC13 Subd. k 176CA2d581 1CAr633 § 1669 et seq. 1CA4th653 § 1669 213CA3d1158 261CaR919 Subd. a 75CA3d1001 142CaR551 Subd. b 213CA3d1157 261CaR918 Subd. c 213CA3d1157 1CA4th654 261CaR918 2CaR2d307 § 1670 251CA2d301 213CA3d1158 C 1CA4th642 59CaR290 261CaR919 C 2CaR2d299 Subd. a 213CA3d1157 1CA4th643 261CaR918 2CaR2d300 § 1671 213CA3d1157 1CA4th653 261CaR918 Subd. a 213CA3d1157 261CaR918 § 1675 196CA2d785 16CaR862 Subd. g 223CA2d140 35CaR550 28CC270 § 1680 31CC151 § 1710 C 1CA4th642 C 2CaR2d299</p>	<p>Subd. c 1CA4th647 2CaR2d303 ¶ 3 1CA4th654 2CaR2d307 ¶ 5 1CA4th654 2CaR2d307 Subd. d 1CA4th648 2CaR2d303 ¶ e 1CA4th647 2CaR2d303 Subd. e 1CA4th648 2CaR2d303 Subd. f 1CA4th648 2CaR2d303 Subd. g 1CA4th644 2CaR2d300 ¶ 1 1CA4th650 ¶ 2 1CA4th645 2CaR2d301 ¶ 3 1CA4th650 2CaR2d304 Cl. A 1CA4th643 2CaR2d300 Subd. h 1CA4th647 2CaR2d303 § 1713 215CA2d417 30CaR153 § 1730 120CA3d668 174CaR668 § 1735 Subd. i 27CC223 § 1768 141CA3d1043 191CaR337 § 2300 et seq. 186CA2d447 9CaR48 § 2305 186CA2d447 9CaR48 § 2305.1 187CA3d391 231CaR868</p>	<p>§ 2305.2 187CA3d391 231CaR868 § 2331 Subd. a 190CA2d733 12CaR170 § 2340.23 187CA3d391 231CaR868 § 2602 et seq. 181CA2d694 5CaR586 § 2603 181CA2d700 186CA2d442 223CA2d128 238CA2d50 5CaR589 9CaR48 35CaR544 47CaR441 28CC263 30CC55 30CC365 Subd. a 238CA2d50 42CaR552 47CaR441 30CC51 30CC366 Subd. b 238CA2d50 42CaR552 47CaR442 30CC51 30CC366 ¶ 1 238CA2d50 42CaR552 47CaR442 30CC51 ¶ 2 238CA2d50 42CaR552 47CaR442 30CC51 ¶ 3 238CA2d50 42CaR552 47CaR442 30CC51 Subd. c 238CA2d50 42CaR552 47CaR442 30CC51 Subd. d 238CA2d50 42CaR552 47CaR442 30CC51</p>	<p>Subd. e 181CA2d694 5CaR594 § 2706 Subd. a ¶ 2 40PU@32 § 2946 141CA3d1043 191CaR337 Subd. a 123CA3d644 176CaR736 Subd. d 123CA3d644 176CaR736 § 3000 et seq. 181CA2d723 5CaR818 § 3001 Subd. b Cir. 9 721FS1156 § 3003 136CA3d140 186CaR171 58CaAG175 Subd. a 136CA3d140 186CaR171 Subd. c 136CA3d140 186CaR171 Subd. e 136CA3d139 186CaR170 § 3010 et seq. 13CaR694 § 3014 Subd. c 214CA3d1540 263CaR353 Subd. d 214CA3d1540 263CaR353 § 3015 Subd. c 214CA3d1540 263CaR353 § 3022 Subd. e 169CA2d46 336P2d1047 § 3030 Subd. f 214CA3d1540</p>	<p>263CaR353 Subd. k 214CA3d1540 263CaR353 § 3032 Subd. a 214CA3d1541 263CaR353 Subd. c 214CA3d1541 263CaR353 § 3034 214CA3d1541 263CaR353 § 3041 Subd. c 214CA3d1541 263CaR353 Subd. d 214CA3d1541 263CaR353 § 3053 Subd. c 214CA3d1541 263CaR353 § 3098 189CA2d627 11CaR659 § 3111 Subd. c 214CA3d1541 263CaR353 § 3200 et seq. 67C2d185 69C2d219 181CA2d571 232CA2d370 5CaR189 27CaR844 42CaR754 60CaR499 70CaR558 430P2d57 444P2d350 33CC929 § 3200 69C2d231 220CA2d172 232CA2d359 264CA2d85 266CA2d76 187CA3d391 33CaR716 42CaR754 70CaR145 70CaR559 72CaR15 152CaR305 231CaR868 444P2d351</p>	<p>28CC298 33CC930 § 3202 69C2d231 176CA2d16 187CA2d768 232CA2d359 233CA2d870 266CA2d76 1CaR78 9CaR835 42CaR754 43CaR888 48CaR753 70CaR559 72CaR15 444P2d351 24CC306 33CC930 8HLJ124 Subd. a 120CA3d669 174CaR668 § 3204 16WSR102 § 3210 Subd. a 120CA3d668 174CaR668 179CaR177 § 3211 67C2d193 55CaR799 60CaR503 430P2d61 § 3212 67C2d193 55CaR799 60CaR503 430P2d61 § 3215 67C2d193 187CA2d316 9CaR490 55CaR799 60CaR503 430P2d61 Subd. a 223CA3d1131 273CaR57 § 3219 55CaR799 § 3221 55CaR799 § 3222 67C2d193 233CA2d869 43CaR887 55CaR800 60CaR503</p>	<p>430P2d61 § 3223 67C2d193 55CaR800 60CaR503 430P2d61 § 3225 67C2d202 187CA2d31 187CA2d76 9CaR490 9CaR835 54CaR920 55CaR799 60CaR509 430P2d67 Subd. a 187CA2d31 9CaR490 Subd. c 187CA2d31 9CaR490 § 3227 232CA2d355 42CaR751 §§ 3232 to 3: 232CA2d359 42CaR748 § 3232 232CA2d365 42CaR751 § 3234 232CA2d366 42CaR752 § 3235 232CA2d366 42CaR752 § 3237 67C2d185 187CA2d316 9CaR490 54CaR921 55CaR798 60CaR503 430P2d61 Subd. a 67C2d202 55CaR800 60CaR509 430P2d67 Subd. b 67C2d202 187CA2d316 187CA2d768 9CaR490 9CaR836 55CaR800 60CaR509 430P2d67 Subd. c 55CaR800</p>
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PENAL CODE (1872, A 1941)

§ 2933

<p>IP2d893 IP2d898 IP2d477 P2d1074 US1152 E711 SC2266 Cir. 9 F2d1094 F2d546 F2d390 FS1416 FS420 FS1247 CaAG668 CaAG49 LA229 BC659 f82 LR895</p> <p>bds. a to d. 3d556 CaR791 P2d477</p> <p>Subd. a 3d233 3d504 A3d427 A3d816 A3d49 CA3d804 A3d767 CA3d946 CA3d527 CA3d898 CA3d1030 CA3d488 CA3d909 CA3d384 CA3d115 CA3d842 CA3d285 CA3d383 CA3d1553 A4th1758 CaR443 CaR384 5CaR912 CaR238 CaR551 CaR474 CaR903 CaR780 CaR286 CaR284 CaR787 CaR446 CaR759 CaR700 CaR294 CaR803 CaR62 CaR863 CaR783 CaR379</p>	<p>253CaR520 262CaR614 285CaR411 599P2d92 611P2d877 Cir. 9 597FS1406 10LoyL726 9Pcf36 65VaL1244</p> <p>Subd. b 25C3d233 26C3d506 30C3d161 30C3d162 42C3d556 C 94CA3d800 98CA3d801 106CA3d429 108CA3d492 112CA3d436 125CA3d898 128CA3d1030 149CA3d384 153CA3d698 154CA3d116 157CA3d842 160CA3d52 161CA3d19 206CA3d285 13CA4th1758 18CA4th1028 153CaR538 C 155CaR912 157CaR903 159CaR754 164CaR925 165CaR284 166CaR606 169CaR514 178CaR316 178CaR446 179CaR827 180CaR759 196CaR803 199CaR502 200CaR552 201CaR62 203CaR863 206CaR457 207CaR225 229CaR791 253CaR520 22CaR2d685 599P2d92 611P2d878 636P2d5 724P2d477 Cir. 9 801F2d1095 597FS1406 65CaAG669 30CLA248 9Pcf78 9Pcf79</p> <p>Subd. d 148CA3d921 149CA3d384 157CA3d842 160CA3d49 161CA3d19 232CA3d1647 17CA4th787 24CA4th245 # 25CA4th701 196CaR402 196CaR803 199CaR503 203CaR863 206CaR456 207CaR226 281CaR856 284CaR243 284CaR382 22CaR2d159 30CaR2d105</p>	<p>Subd. c 25C3d233 26C3d505 30C3d161 42C3d556 C 94CA3d800 117CA3d183 120CA3d823 149CA3d384 153CA3d698 154CA3d116 160CA3d52 161CA3d19 184CA3d743 184CA3d752 206CA3d285 13CA4th1758 C 155CaR912 157CaR903 165CaR284 172CaR563 175CaR56 178CaR316 192CaR685 196CaR803 199CaR502 200CaR552 201CaR63 204CaR784 206CaR457 207CaR225 212CaR530 216CaR68 229CaR791 253CaR520 599P2d92 611P2d878 636P2d5 724P2d477 Cir. 9 801F2d1095 597FS1406 65CaAG669 30CLA248 9Pcf78 65VaL1245</p> <p>Subd. d 148CA3d921 149CA3d384 157CA3d842 160CA3d49 161CA3d19 232CA3d1647 17CA4th787 24CA4th245 # 25CA4th701 196CaR402 196CaR803 199CaR503 203CaR863 206CaR456 207CaR226 281CaR856 284CaR243 284CaR382 22CaR2d159 30CaR2d105</p>	<p># 30CaR2d736 Cir. 9 801F2d1095</p> <p>§§ 2932 to 2935 200CaR12</p> <p>§ 2932 A 1977C165 A 1979C255 A 1980C1108 A 1982C1234 A 1984C1120 A 1986C1446 A 1987C56 A 1988C1626 A 1989C1420 25C3d234 25C3d528 26C3d506 30C3d162 30C3d187 C 39C3d932 42C3d556 87CA3d793 91CA3d817 C 94CA3d800 98CA3d801 102CA3d952 103CA3d477 112CA3d316 112CA3d439 116CA3d716 120CA3d823 132CA3d782 145CA3d913 146CA3d944 148CA3d909 Up 148CA3d921 161CA3d15 165CA3d377 168CA3d525 172CA3d48 176CA3d242 176CA3d929 177CA3d464 206CA3d280 207CA3d442 214CA3d375 150CaR805 151CaR436 154CaR337 154CaR385 C 155CaR912 156CaR548 157CaR899 159CaR320 159CaR754 162CaR747 163CaR92 165CaR284 169CaR238 169CaR515 175CaR57 178CaR316</p>	<p>178CaR331 179CaR827 183CaR454 192CaR685 194CaR668 196CaR294 Up 196CaR402 199CaR503 200CaR13 207CaR223 208CaR599 209CaR381 210CaR474 211CaR600 214CaR507 217CaR807 C 218CaR325 221CaR400 221CaR420 222CaR441 229CaR791 233CaR918 253CaR516 255CaR36 262CaR609 599P2d93 601P2d552 611P2d878 636P2d5 636P2d20 C 705P2d898 724P2d477 731P2d43 476US1152 90LE711 106SC2266 Cir. 9 801F2d1115 867F2d546 597FS1416 635FS420 65CaAG668 70CaAG49 30CLA235 9Pcf82 13PLR895 65VaL1247</p> <p>Subd. a 26C3d506 42C3d562 98CA3d802 132CA3d782 Up 148CA3d921 18CA4th1029 159CaR754 165CaR284 179CaR827 183CaR454 Up 196CaR402 199CaR503 C 200CaR12 201CaR62 229CaR795 22CaR2d686 611P2d878 724P2d481</p>	<p>Cir. 9 597FS1417 65CaAG669 65CaAG672 30CLA248 9Pcf79 9Pcf80</p> <p>Subd. b 42C3d562 229CaR795 724P2d481 Cir. 9 801F2d1095 65CaAG670 9Pcf78</p> <p>Subd. c 25C3d396 98CA3d801 139CA3d303 C 208CA3d1024 208CA3d1025 230CA3d1595 158CaR386 159CaR754 188CaR658 233CaR919 233CaR921 C 256CaR642 256CaR643 281CaR902 599P2d692 731P2d44 731P2d46 471US519 85LE573 105SC2208 Cir. 9 597FS1417 65CaAG670 9Pcf21</p> <p>Subd. d 112CA3d438 115CA3d650 169CaR515 171CaR460 233CaR919 731P2d44 65CaAG670 9Pcf81</p> <p>Subd. e 233CaR919 731P2d44</p> <p>Subd. g 208CA3d1028 256CaR645</p> <p>Subd. h 148CA3d921 196CaR402 199CaR503</p>	<p>§§ 2933 to 2935 Ad 1982C1234 149CA3d384 196CaR803 65CaAG668</p> <p>§ 2933 A 1986C1446 A 1988C121 42C3d556 53C3d463 139CA3d494 141CA3d484 145CA3d917 148CA3d909 148CA3d921 C 149CA3d382 154CA3d254 155CA3d522 157CA3d841 C 158CA3d772 230CA3d304 C 160CA3d46 C 161CA3d15 C 162CA3d320 165CA3d377 168CA3d315 C 168CA3d519 171CA3d643 172CA3d304 172CA3d317 176CA3d236 177CA3d464 178CA3d33 184CA3d1305 187CA3d559 187CA3d954 190CA3d410 199CA3d273 205CA3d1226 206CA3d278 207CA3d442 214CA3d375 215CA3d791 218CA3d1318 220CA3d141 231CA3d186 C 232CA3d1645 233CA3d1553 142CA3S25 6CA4th1732 13CA4th1757 17CA4th787 18CA4th1029 19CA4th646 24CA4th245 # 24CA4th716 # 24CA4th1673 # 25CA4th698 188CaR704 190CaR414 191CaR796</p>
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§ 2930

PENAL CODE (1872, A 1941)

196CaR803	214CaR507	A 1982C1234	178CA3d34	188CaR451	678P2d893	253CaR520
203CaR865	217CaR807	25C3d225	184CA3d735	188CaR585	C 705P2d898	262CaR614
207CaR225	221CaR400	25C3d528	184CA3d743	188CaR701	724P2d477	285CaR411
229CaR791	222CaR442	26C3d498	190CA3d410	192CaR684	807P2d1074	599P2d92
249CaR838	229CaR791	26C3d501	199CA3d275	193CaR660	476US1152	611P2d877
253CaR519	253CaR121	30C3d180	205CA3d1227	195CaR368	90LE711	Cir. 9
28CaR2d154	253CaR516	33C3d228	206CA3d280	196CaR294	106SC2266	597FS1406
636P2d2	255CaR36	33C3d274	207CA3d442	196CaR402	Cir. 9	10LoyL726
724P2d478	262CaR609	35C3d809	214CA3d375	196CaR803	801F2d1094	9Pcf36
65CaAG668	282CaR271	C 39C3d932	218CA3d1319	199CaR503	867F2d546	65VaL1244
70CaAG51	284CaR7	42C3d556	226CA3d1163	200CaR548	999F2d390	
65CaL1244	8CaR2d662	53C3d463	231CA3d186	201CaR318	597FS1416	Subd. b
9Pcf5	22CaR2d159	74CA3d171	232CA3d959	202CaR847	635FS420	25C3d233
11UCD34	25CaR2d436	87CA3d793	232CA3d1646	203CaR863	783FS1247	26C3d506
	30CaR2d105	91CA3d814	233CA3d1553	204CaR783	65CaAG668	30C3d161
§ 2930	599P2d93	94CA3d43	5CA4th930	204CaR836	70CaAG49	30C3d162
A 1977C165	601P2d552	94CA3d684	13CA4th1758	205CaR530	30CLA229	42C3d556
A 1977C2	611P2d878	95CA3d774	17CA4th787	206CaR456	51JBC659	C 94CA3d800
A 1982C1234	636P2d20	95CA3d960	18CA4th1028	206CaR577	9Pcf82	98CA3d801
25C3d225	724P2d477	98CA3d388	19CA4th646	207CaR223	13PLR895	106CA3d429
25C3d528	863P2d681	98CA3d791	19CA4th1024	208CaR599		108CA3d492
26C3d506	Cir. 9	98CA3d801	24CA4th245	208CaR609	Subds. a to d	112CA3d436
30C3d187	783FS1247	98CA3d858	# 24CA4th716	210CaR474	42C3d556	125CA3d898
42C3d556	65CaAG671	99CA3d757	# 24CA4th1287	211CaR513	229CaR791	128CA3d1030
6C4th816	70CaAG49	100CA3d99	# 24CA4th1673	211CaR600	724P2d477	149CA3d384
74CA3d171	9Pcf31	102CA3d952	# 25CA4th699	211CaR680		153CA3d698
91CA3d817	Subd. a	103CA3d477	141CaR387	212CaR530	Subd. a	154CA3d116
C 94CA3d804	25C3d233	108CA3d545	150CaR805	213CaR835	25C3d233	157CA3d842
95CA3d774	157CaR903	110CA3d684	151CaR436	214CaR507	26C3d504	160CA3d52
102CA3d952	199CaR503	112CA3d316	153CaR538	215CaR233	74CA3d427	161CA3d19
103CA3d477	599P2d92	112CA3d439	154CaR330	216CaR843	91CA3d816	206CA3d285
112CA3d316	9Pcf77	113CA3d276	154CaR384	217CaR538	94CA3d49	13CA4th1758
112CA3d439	65VaL1247	115CA3d112	156CaR239	218CaR226	C 94CA3d804	18CA4th1028
115CA3d113	Subd. b	115CA3d649	156CaR548	C 218CaR325	99CA3d767	153CaR538
116CA3d716	74CA3d427	116CA3d144	156CaR653	220CaR59	100CA3d946	C155CaR912
148CA3d909	117CA3d527	116CA3d716	157CaR343	221CaR400	117CA3d527	157CaR903
161CA3d15	117CA3d527	117CA3d168	157CaR467	221CaR420	125CA3d898	159CaR754
168CA3d525	141CaR443	120CA3d825	157CaR473	221CaR745	128CA3d1030	164CaR925
172CA3d48	172CaR787	125CA3d898	157CaR899	223CaR479	139CA3d488	165CaR284
176CA3d930	209CaR379	128CA3d1030	159CaR320	229CaR791	148CA3d909	166CaR606
177CA3d464	§ 2931	132CA3d782	159CaR546	235CaR472	149CA3d384	169CaR514
205CA3d1227	et seq.	135CA3d63	159CaR718	244CaR651	154CA3d115	178CaR316
206CA3d280	53C3d463	137CA3d696	159CaR754	253CaR121	157CA3d842	179CaR827
207CA3d442	231CA3d186	139CA3d323	159CaR761	253CaR516	206CA3d285	180CaR759
214CA3d375	279CaR845	139CA3d489	160CaR774	255CaR36	214CA3d383	196CaR803
231CA3d187	282CaR270	145CA3d731	161CaR13	262CaR609	233CA3d1553	199CaR502
232CA3d959	807P2d1074	145CA3d764	162CaR747	267CaR699	13CA4th1758	200CaR552
7CA4th613	§§ 2931	148CA3d909	163CaR92	277CaR306	141CaR443	201CaR62
17CA4th788	to 2933	148CA3d921	165CaR282	279CaR845	154CaR384	203CaR863
24CA4th245	191CA3d1028	149CA3d384	166CaR481	282CaR270	C 155CaR912	206CaR457
141CaR387	236CaR835	153CA3d691	167CaR925	284CaR7	156CaR238	207CaR225
154CaR385	Cir. 9	156CA3d792	169CaR237	284CaR243	156CaR551	229CaR791
C 155CaR912	801F2d1094	157CA3d842	169CaR515	285CaR410	157CaR474	253CaR520
157CaR343	8CaL(1)40	158CA3d772	169CaR785	7CaR2d366	157CaR903	22CaR2d685
157CaR899	§ 2931	159CA3d306	171CaR186	17CaR2d397	160CaR780	599P2d92
159CaR320	191CA3d1028	160CA3d46	171CaR460	# 18CaR2d713	161CaR286	611P2d878
162CaR747	236CaR835	161CA3d15	171CaR462	22CaR2d159	165CaR284	636P2d5
163CaR92	Cir. 9	162CA3d320	172CaR469	22CaR2d685	172CaR787	724P2d477
165CaR284	801F2d1094	165CA3d377	175CaR58	# 23CaR2d702	178CaR446	Cir. 9
169CaR238	8CaL(1)40	165CA3d650	178CaR326	# 30CaR2d195	180CaR759	801F2d1095
169CaR515	§ 2931	165CA3d884	178CaR446	# 30CaR2d735	188CaR700	65CaAG669
171CaR186	A 1977C165	168CA3d525	179CaR827	599P2d93	196CaR294	65CaAG670
178CaR331	A 1977C2	170CA3d1036	180CaR759	601P2d552	196CaR803	30CLA248
179CaR827	A 1978C380	171CA3d643	183CaR454	611P2d876	201CaR62	9Pcf78
196CaR294	A 1978C532	172CA3d318	185CaR87	636P2d15	203CaR863	9Pcf79
199CaR502	A 1979C319	174CA3d438	185CaR187	655P2d725	204CaR783	
207CaR223	A 1979C373	176CA3d321	187CaR211	655P2d1286	209CaR379	
	A 1980C676	177CA3d464	188CaR373			

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192CaR684 192CaR686 196CaR294 196CaR402 C 196CaR802 199CaR503 201CaR423 202CaR235 203CaR862 C 204CaR836 205CaR529 C 206CaR455 C 206CaR576 C 207CaR223 208CaR599 C 208CaR608 211CaR600 214CaR96 C 214CaR503 217CaR538 217CaR807 218CaR225 219CaR903 221CaR400 221CaR415 223CaR479 229CaR549 229CaR791 232CaR163 232CaR231 235CaR472 244CaR649 253CaR120 253CaR515 255CaR36 262CaR609 263CaR771 267CaR698 269CaR225 279CaR845 281CaR856 282CaR270 C 284CaR242 284CaR382 285CaR410 9CaR2d133 17CaR2d396 22CaR2d159 22CaR2d685 # 23CaR2d702 30CaR2d105 # 30CaR2d195 # 30CaR2d734 724P2d477 807P2d1074 Cir. 9 801F2d1094 867F2d546 891F2d738 993F2d717 999F2d390 597FS1416 635FS420 639FS424 783FS1247 70CaAG49 13PLR976	<p>Subd. a 148CA3d909 157CA3d841 C 160CA3d49 C 161CA3d15 C 168CA3d525 171CA3d643 172CA3d317 187CA3d560 205CA3d1226 207CA3d443 214CA3d377 218CA3d1319 C 232CA3d1647 233CA3d1553 6CA4th1733 13CA4th1757 18CA4th1029 # 25CA4th704 192CaR685 196CaR294 199CaR503 203CaR862 C 206CaR455 C 207CaR223 C 214CaR507 217CaR538 218CaR225 232CaR164 253CaR120 255CaR37 262CaR610 267CaR699 C 284CaR243 285CaR411 9CaR2d133 17CaR2d396 22CaR2d685 # 30CaR2d738 Cir. 9 801F2d1094 867F2d546 597FS1406 635FS430 70CaAG50 23Pcf1912</p> <p>Subd. b 157CA3d842 159CA3d308 C 160CA3d49 C 161CA3d20 C 168CA3d526 171CA3d643 172CA3d320 178CA3d34 206CA3d282 214CA3d383 218CA3d1320 199CaR503 203CaR863 205CaR532 C 206CaR455 C 206CaR577 C 207CaR226 C 214CaR508 217CaR538 218CaR227</p>	<p>223CaR479 253CaR517 262CaR614 267CaR700 Cir. 9 801F2d1094 867F2d546 597FS1416 635FS429 70CaAG50</p> <p>Subd. c 192CaR685</p> <p>Subd. d 192CaR685</p> <p>Subd. e 206CA3d285 207CA3d447 13CA4th1758 253CaR520 255CaR39 17CaR2d397</p> <p>§ 2934 42C3d556 148CA3d909 148CA3d921 149CA3d384 157CA3d846 160CA3d50 161CA3d15 168CA3d525 172CA3d318 177CA3d464 190CA3d410 207CA3d443 214CA3d376 218CA3d1318 196CaR294 196CaR402 196CaR803 199CaR503 203CaR865 206CaR456 207CaR223 214CaR507 218CaR226 221CaR400 229CaR791 235CaR472 255CaR37 262CaR609 267CaR698 724P2d477 Cir. 9 801F2d1095 999F2d390 597FS1416 783FS1247</p> <p>§ 2935 53C3d463 148CA3d909 161CA3d15 168CA3d525</p>	<p>177CA3d464 207CA3d443 196CaR294 207CaR223 214CaR507 221CaR400 255CaR37 279CaR845 807P2d1074</p> <p>§ 2940 et seq. 5CaAG128</p> <p>§§ 2940 to 2943 59CaL1217</p> <p>§ 2940 A 1957C2256 Rs 1977C165 177Ca1696 23C2d753 32C2d849 14C3d804 26C3d635 256CA2d721 49CA3d101 63CA3d966 156CA3d695 64CaR540 122CaR297 122CaR761 134CaR170 152CaR603 164CaR699 202CaR885 171P960 146P2d417 198P2d689 537P2d881 610P2d1028 Cir. 9 205F2d114 769F2d1353 90FS856 298FS309 352FS1126 1CaAG307 4CaAG98 60CaL1518 9Pcf15</p> <p>§ 2941 A 1957C2256 Rs 1977C165 49CA3d101 122CaR297 1CaAG307</p> <p>§ 2942 Rs 1977C165 23C2d753 27C2d644</p>	<p>32C2d849 49CA3d101 97CA3d110 122CaR297 158CaR555 146P2d417 166P2d279 198P2d689 1CaAG307</p> <p>§ 2943 A 1943C1101 A 1947C523 R 1955C273 Ad 1965C1915 A 1967C138 Rs 1977C165 14C3d646 74CA3d173 122CaR554 141CaR389 537P2d386 Cir. 9 521F2d249 2CaAG109 5CaAG128 8CaAG237 9CaAG201 26CaAG85 58CaL386</p> <p>§ 2944 R 1955C273 5CaAG128</p> <p>§ 2945 A 1953C1574 Rs 1965C1751 5CaAG128</p> <p>§ 2946 A 1957C2256 1963C1786 §1 A 1965C371 Rs 1977C165 5CaAG128 59CaL1217</p> <p>§ 2947 Rs 1977C165 L 1982C595 10CaAG20 70CaAG53 59CaL1217</p> <p>§ 2960 et seq. 257CA2d751 208CA3d301 17CA4th1413 25CA4th915 27CA4th797 65CaR458</p>	<p>256CaR421 22CaR2d169 31CaR2d424</p> <p>§§ 2960 to 2981 24CA4th895 29CaR2d865</p> <p>§§ 2960 to 2963 R 1968C1374</p> <p>§ 2960 Ad 1969C872 A 1977C1252 A 1982C1529 A 1982C1549 A 1985C1419 A 1986C858 55C2d687 14C3d653 1CA3d678 186CA3d1663 204CA3d1429 208CA3d296 208CA3d297 10CA4th696 24CA4th904 12CaR765 82CaR126 122CaR554 201CaR490 231CaR509 U 252CaR57 256CaR418 12CaR2d772 29CaR2d871 361P2d429 537P2d386</p> <p>Subd. c U 252CaR58</p> <p>§ 2962 et seq. 204CA3d1431 17CA4th1416 22CaR2d171</p> <p>§§ 2962 to 2980 U 204CA3d1429 208CA3d296 208CA3d297 U 252CaR57 256CaR418</p> <p>§ 2962 Ad 1986C858 A 1987C687 A 1989C228 204CA3d1429</p>	<p>9CA4th1081 10CA4th692 10CA4th696 17CA4th1416 24CA4th897 27CA4th798 U 252CaR57 11CaR2d861 12CaR2d769 22CaR2d171 29CaR2d867</p> <p>Subd. a 204CA3d1433 9CA4th1082 24CA4th899 27CA4th798 U 252CaR60 11CaR2d862 29CaR2d869</p> <p>Subd. b 9CA4th1082 10CA4th694 24CA4th901 25CA4th919 11CaR2d862 29CaR2d869 31CaR2d426</p> <p>Subd. c 9CA4th1082 24CA4th901 11CaR2d862 29CaR2d869</p> <p>Subd. d 9CA4th1082 10CA4th696 24CA4th902 25CA4th916 27CA4th798 11CaR2d862 12CaR2d772 29CaR2d869 31CaR2d424</p> <p>Subd. e 9CA4th1081 10CA4th694 24CA4th901 25CA4th917 11CaR2d861 12CaR2d77C 29CaR2d865 31CaR2d425</p> <p>§ 2964 Ad 1961C333 R 1968C1374 Ad 1986C858 A 1988C657 204CA3d14 U 252CaR58 54CaL944 36JBC808</p>
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